

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ENBRIDGE ENERGY, LIMITED
PARTNERSHIP, ENBRIDGE ENERGY
COMPANY, INC., and ENBRIDGE
ENERGY PARTNERS, L.P.,

Plaintiffs,

v.

GRETCHEN WHITMER, the Governor of
the State of Michigan in her official
capacity, SCOTT BOWEN, Director of the
Michigan Department of Natural Resources
in his official capacity,

Defendants.

Case No. 1:20-cv-01141

Hon. Robert J. Jonker

**STIPULATION AND ORDER LIFTING STAY AND
SETTING BRIEFING SCHEDULE**

The parties stipulate and agree as follows:

1. The parties agree that the Court’s stay can be lifted. On August 28, 2024, this Court entered a stay of proceedings “until the Court of Appeals resolves the pending Eleventh Amendment appeal.” (Order at 3, ECF No. 100, PageID.969.) On April 23, 2025, the Sixth Circuit affirmed this Court’s ruling denying Defendants’ motion to dismiss based on sovereign immunity. (CA6 Op. at 1, ECF No. 101, PageID.974.) On June 24, 2025, the Sixth Circuit issued the mandate. Accordingly, the Court should lift the stay entered on August 28, 2024.

2. The parties conferred on a briefing schedule going forward. Enbridge intends to refile its motion for summary judgment on Counts I and III of the Complaint. *See* ECF Nos. 65, 66, 67; *see also* Order at 3, ECF No. 100, PageID.969 (denying Enbridge’s earlier summary judgment motion without prejudice, explaining that once the stay is lifted, “the parties will be able

to file any appropriate Rule 56 motions at that time, taking into account any new factual or legal developments”). Defendants intend to file a motion asking this Court to abstain or stay these proceedings in favor of the ongoing state-court proceeding.

3. The parties agree to the following briefing schedule on their cross-motions:

- Parties file their motions and supporting briefs by July 7, 2025;
- Amicus briefs in support of the moving party are due by July 14, 2025;
- Parties file their responsive briefs by August 4, 2025;
- Amicus briefs in support of the responding party are due by August 11, 2025;
- Parties file their reply briefs by August 18, 2025.

4. The parties agree that no extensions will be permitted except upon a motion for good cause. Those seeking to file amicus briefs will file motions for leave to submit their briefs absent consent from both parties.

Dated: June 25, 2025

Respectfully submitted,

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IT IS SO ORDERED:

Dated: June __, 2025

Hon. Robert J. Jonker
U.S. District Court Judge